

## REMARKS AND ARGUMENTS

### Claim Status

Claims 22-44 are pending. Claims 22-44 were rejected in the previous action. Claims 22-23, 26, 28-30, 32, 34-38, 42-43 have been amended herein. Claims 24-25, 27, 31, 33-34, 39-41, 44 have been previously amended. No claims have been canceled or added.

### Claim rejections - 35 U.S.C. § 103

Claim 32 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Basile et al. (U.S. Pat. No. 6,042,005). Claims 22-31 and 33-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Basile et al. (U.S. Pat. No. 6,042,005) in light of Rothschild et al. (U.S. Pat. App. Pub. No. US 2003/0097351 A1). Applicant respectfully disagrees and transgresses these rejections and humbly requests that all objections be withdrawn, in light of the Amendments to the Claims submitted herein and the following argument. Further, any combination of art between Basile and Rothschild is not Applicant's claimed invention, as will become apparent from the argument below.

### I. Applicant's Invention Locates, not Merely Identifies, Missing Subjects.

It is difficult to use information to locate a subject if the same information is attached to the missing subject. Basile et al. clearly teaches throughout and starting in the abstract; "an identification card *carried by the user*" and a "second identification device is to be *worn by the user*" (emphasis added.)

**Applicant's kit is retained separately from the subject.**

Claim 32 of the present invention as amended provides a method to *locate* a missing subject as the information kit is retained *separate from* the subject of the search. Examiner rejects based on element 24 as shown in Fig. 1 stating "and retaining the storage medium by the family 24 which is separate from the subject which is wearing the tag 20" then sights col. 3 lines 53-67, col. 4 lines 1-34. Applicant humbly argues that a more careful and contextual reading of the sighted reference will clearly traverse there rejections. Basile teaches that "[t]he identification card 18 and tags 20 are given to the family 24 of the individual". The rest of the reference then teaches away from the current invention stating; "Identification card *is designed to be carried by the individual* (not the family), and the tag 20 *is designed to be worn by the individual*" (not the family) as interpreted by the examiner. Further references; "the child who carries the card" line 67. The reference goes on to teach various ways to apply the tag to the child's clothing, or connecting it to the child. The reference then concludes by teaching the card is used when; "a child, *having identification card 18 and/or tag 20 on their person*, is involved in an accident...a third party user 22 can access all their personal and medical information" It is clear to one of ordinary skill in the art that when the identification card is carried by, or on the person of the individual, it can only be used if and when the individual is also found. Even the types of information gathered in the Basile reference to include, a parent photo, an identification number, telephone number and the like constitute a structural difference in the invention that do not enable the Basile invention to be used in lieu of the present claim 32.

In a similar vein, examiner rejects Claim 28, which claims how the kit is given to and held by the entity having legal custody of said subject. Examiner cites family 24 of Basile as the basis for the rejection of Claim 28, which teaches that the Basile ID kit is attached to the child

for purposes of identifying the child by a third party, if lost. As discussed above, the Basile patent does not teach one ordinarily skilled in the art to use their system to *locate* a missing subject, because the ID system in Basile is *attached* to the missing subject, making it impossible to use the kit to locate the very subject the kit is attached to. Claim 28, as currently amended, states that the “kit is given to and retained by an entity having legal custody” of the subject.

Examiner rejects Claim 34, which claims providing the kit to a third party, by analogy of providing the database information to manufacturer 16 in Basile. Applicant respectfully asserts that this analogy is misplaced. The manufacturer 16 in the Basile patent, is provided identifying indicia from a database 14 as shown in Fig. 1 for the purposes of generating the ID tags and then passes the tags to the family, which in turn, are attached to the *subject* for purposes of *identification*. If the element database 14 were removed from Fig. 1, no card or tag could be manufactured, and the Basile invention would then be non-enabled. Conversely, in Applicant's invention, the kit flows from the enrollment process, to the family or other legal entity for retention, and then to the *authorities* in the event the subject goes missing. No central or relational database is involved in the process of making the kit as shown in Applicant's Figure 1.

Further more, in the current invention, the kit is retained separately from the subject, allowing authorities access, if needed, at the appropriate stage of the search (see Claim 42.) Therefore, the Basile patent teaches one ordinarily skilled in the art, *away from* separating the kit from the subject, to be turned over to authorities in the event the subject goes missing. Claims 22, 28, 29, 32, 34 and 42 have been amended to emphasize this schema and should be allowed as currently claimed.

## **II. Data is Handled Differently than in Basile and Rothschild**

Several major aspects of Applicant's invention provide a distinct method for data collection, encryption and decryption, than suggested in the Basile and Rothschild patents such as: Applicant's invention does not require a centralized or relational database, Applicant's invention does not require special viewing software within the storage medium, Applicant's invention takes an active step to purge information prior to the next enrollment, and Applicant provides a multi-tier search escalation system.

**Both Basile and Rothschild require a centralized or relational database for enablement to operate.**

Several obviousness rejections were made concerning *what* was stored on the storage medium. Applicant humbly suggests that *how* information is stored can clearly distinguish Applicant's patent from the prior art, to transverse such rejections. Examiner rejects Claim 23, of the current invention which claims a method for storing identifying indicia, by referencing paragraph [0020] of Rothschild which teaches storage of identifying personal data on a device within the context of the medical field, *using a relational database*. Examiner also rejects Claim 25, which defines a variety of storage medium used, by [0029] of Rothschild, again which allows data to be imported by the patient/user onto *a relational database*. Examiner rejects Claim 30/33, which claims the storage of encrypted indicia, via Basile, col. 5 lines 11-21, which discloses storing "any information deemed necessary for the safety and protection of the child" *on a centralized database and the microchips associated with the ID cards*. Examiner rejects Claim 35, which claims the method for enrolling ID data for production of an ID kit which does not require a central database, via [0029] of Rothschild, which teaches storage of ID information

*on a relational database.* Examiner rejects Claim 43, which claim storage of video and audio within the kit, via [0020] of Rothschild which discloses the storage of patient data to include attachments such as video or voice, *within a relational database.*

Applicant does not require a centralized or relational database, for the method of storing data, encrypted or otherwise. Data stored within a relational or centralized database is exposed to hacking by a third party, or in the case of Basile data mining col. 5 lines 22-41 for “corporate participants 28” to “increase their retail business”. Such methods of exploitation are highly discouraged by those in the field of missing person recovery, and in some cases prohibited by laws such as HIPA. In fact, both Basile and Rothschild teach away from Applicant's safeguards for protecting data from a centralized or relational database. Not only do Basile and Rothschild fail to teach how to protect stored data in the manner Applicant has, but *rely* upon a centralized database or relational database, to enable their patents. In essence, the Applicant's invention can succeed without a relational or centralized database, whereby the Basile and Rothschild patents would fail without a relational or conventional database. Claims 23, 32, 36 and 38 have been amended to emphasize this argument, accordingly. Applicant requests that they be accepted as amended.

### **Viewing Software**

Examiner rejects Claim 24, which claims the means for interfacing with the storage medium with a computer memory, by [0007-0009] of Rothschild which teaches the use of a *downloadable* viewer program to access the stored information. Applicant humbly submits that there is a tenuous link between the concepts of interfacing a portable storage medium with a computer memory and using viewing software to access the contents of the storage medium, to

warrant a rejection. Rothschild further teaches software on a portable ID tag which requires a relational database and *dependent software interface* to access the data. The Rothschild patent teaches away from the Applicant's invention in that it requires a device "that is capable of reading the data files with viewer software." Rothschild also teaches downloading and installing the appropriate viewer software upon connection to the interface. Applicant's invention teaches stored digital data be accessed using any common personal computer (see [0018] of Detailed Description), which enables the data to be viewed without requiring the agency to download additional viewing software, or have the appropriate dependent software interface on hand.

**Personal data is purged prior to a new enrollment.**

Examiner rejects Claim 26, which claims purging information from the computer prior to the next enrollment (as amended), by Basile, equating 'purging' with 'conventional' filtering, citing Basile col. 3 lines 49-52, which broadly discloses *any* known method for providing secure transmission of information between the database and manufacturer of the card. It is not clear to applicant how examiner equates "filtering" which in the context of electronics means; "suppressing or minimizing waves or oscillations of certain frequencies" Webster's Collegiate Dictionary vol. 10. with "purging" which means "to get rid of". Further, Examiner rejects Claim 37 arguing that purging is not an invention and is instead, a conventional clearing of the memory.

Microsoft Computer Dictionary, 5th Ed., which defines "non-volatile memory" as a "storage system that does not lose data when power is removed from it," and defining "volatile memory" as "[m]emory, such as RAM, that loses its data when the power is shut off." Claims 26 and 37 do more than simply clear the memory from the volatile memory of a computer as when

the computer is turned off but *actively takes a step to erase data from the computer* prior to the next enrollment. The reason for purging being clear, to prevent the creation of a database which by its nature is exposed to third party hacking and data mining. Claims 26 and 37 have been amended to include the language "prior to the next enrollment" to emphasize the active step of purging information from non-volatile memory.

Not only do Basile and Rothschild fail to teach a purging step, but *rely* upon a centralized database or relational database, to enable their patents. Applicant's invention is clearly distinguishable in this regard as it takes an active step to remove the necessity of using a centralized database to store data. Claims 35 and 37 have been amended to emphasize this argument, accordingly. Therefore applicant requests that the claims be accepted as amended.

**Applicant's multiple stages of escalation distinguishes the invention from the prior art.**

Claims 42-44 disclose a multi-tier search system designed to locate an individual with escalation of information release in degree of sensitivity and only require decryption at the most crucial stage of a search. This multi-tier approach balances privacy and security of sensitive data with the need for rapid access as needed for locating a missing individual where time is of the essence.

The question of *when* information is decrypted is as essential to how. The information stored on Applicant's device is released in stages as described in Claim 42 so it is integral with the encryption/decryption method from the disclosed search organization.

*Example:* Initially, a search won't require any decryption as it uses the *picture ID* of the face of the card. Should that prove unproductive, a successive stage of the search disseminates certain *nonsensitive* identifying indicia to associated third parties, immediately and without

decryption. Should that prove unproductive, yet another successive stage, where identifying indicia of a forensic or encrypted nature are disseminated, decryption comes into play.

This multi-stage approach to the control of information is nowhere to be found in either Basile, or Rothschild, nor could one of ordinary skill in the art obviously conceive an escalating search system from the combination of the Basile and Rothschild's patents. It should be noted that Applicant's invention allows a search to commence at any of the stages herein described, if necessary.

Rothschild discloses a security device within the storage medium that uses passwords or biometrics to protect the information therein. The Basile patent claims a secure transmission *from the database to the manufacturer* and later provides an "instant access system," described as a hardware and software package, to read the information on the card. Within that "instant access system," described in Basile, third party users are provided an access code to "stored user information" (i.e. a database.) The Basile and Rothschild patents, alone or combined, do not teach one ordinarily skilled in the art to provide a portable ID tag which *avoids* the use of read/write devices, passwords, independent viewer software and a relational database.

Therefore Applicant requests that claims 42 through 44, as amended, be allowed.

### **III. Incomplete Rejections**

A few rejections by examiner seem to be misplaced or incomplete.

#### **Analogy to Biometrics in Rothschild or Basile is Misplaced.**

Examiner rejects Claims 27, 34, 38, 41, 42 and 44, which claim Applicant's encryption/decryption process and multi-tier search system, as suggested by col.3, lines 49-52 of



the Basile patent, which discloses any known method for providing secure transmission of information between the database and manufacturer of the card. Col.5 lines 1-10 of Basile disclose security procedures to access an instant ID system (a read/write device restricted to authorized personnel) which can access a database that contains the stored data. Claims 27, 34, 38, 41, 42 and 44 were also rejected by reference to and in paragraphs [0010 and 0018] of Rothschild, which disclose optional passwords/biometrics schemas to protect the stored data. Applicant's invention does not require transmission of data to a card manufacturer, nor require a read/write device for entities to access data stored on a centralized or relational database.

Examiner rejects Claim 44, which claims storage of fingerprints within the kit, via Basile, col.4, lines 59-60, which disclose the use of biometrics for accessing a scanner connected to the ID system used to scan and gather information from the ID card. The Basile patent does not suggest to one ordinarily skilled in the art, *storage* of fingerprint data directly on a *storage medium* other than reference to "personal and medical information" within a *database*, as described in Col.3 lines 29-30 and Claim 1 of Basile.

### **Decryption Key Distinct from Authorization Code**

Examiner rejects Claim 29, which claims a method to have the decryption key held by an authority independent from party with legal custody, by analogy of family 24 in Basile, which discloses an authorization code between the intake database to the manufacturer. The Basile patent does not suggest an authorization code given to the manufacturer by the family. Most notably, the authorization code relies on accessing a database for verification. Arguably, the

Basile patent teaches away from retaining a decryption key with a third party as claimed in Applicant's invention, that does not require the use of a database for verification.

### **Information Flow Between Organizations is Distinguished**

Examiner rejects Claims 39 and 40, which claim a means to enable direct entry of the stored indicia into electronic communication systems useable by the authority, to include email and broadcast media, via Basile col.3 31-40, which describes using electronic communications between the organizations that collect the identifying indicia and a centralized database. Claims 39 and 40 disclose the dissemination of information *from a storage medium to the electronic communications systems*, once the subject is missing using the method claimed in Claim 42, rather than the preliminary collection of information described in Basile.

There is a substantial difference in how the information flows in Applicant's patent compared to Basile. In the Basile patent, info flows *from the organizations* that collect and input the data *into a centralized database*. The information in Applicant's patent flows *from the storage medium to the electronic communication systems of the authority*.

### **Claim 36**

Claim 36 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Basile et al. (U.S. Pat. No. 6,042,005) in light of Rotshchild et al. (U.S. Pat. App. Pub. No. US 2003/0097351 A1). Examiner failed to address specifically why Claim 36, which claims the apparatus for enrollment, was rejected. Therefore, the examiner did not meet the required burden of proof for a rejection based on obviousness. Applicant therefore requests that claim 36 be allowed.

## CONCLUSIONS

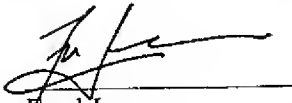
Any dependent claims not specifically discussed above depend, either directly or indirectly, from the independent claims discussed above and therefore are patentable for at least the same reason(s).

If the Examiner wishes to discuss this Response, the Examiner is requested to call the Applicant's attorney at the phone number listed below.

If this response is not considered timely filed and if a request for extension of time is otherwise absent, applicant hereby requests any extension of time. Please charge any fees or make any credits, to Deposit Account No. 50 3830.

Dated this 3 day of Sept, 2007.

Respectfully submitted,



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